

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

RAYMOND WESLIE WILLIAMS,

Defendant/Petitioner.

Crim. No. 16-cr-20078

Civil No. 18-cv-10611

Paul D. Borman

United States District Judge

Anthony P. Patti

United States Magistrate Judge

ORDER

The Court ACCEPTS Magistrate Judge Anthony P. Patti's Report and Recommendation (ECF No. 86) and DENIES Petitioner's Motion under 28 U.S.C. §2255 to Vacate, Set Aside, or Correct Sentence (ECF No. 74).

When a district judge enters a final order which is adverse to a defendant in a § 2255 action, it must also issue or deny a certificate of appealability. See Rule 11 of the Rules Governing Section 2255 Proceedings; see also 28 U.S.C. §2253(c)(1)(B) (prohibiting defendant from appealing final order in § 2255 proceeding unless court issues certificate of appealability); Fed. R. App. P. 22(b) (same). A certificate of appealability may be issued only if the defendant has "made a substantial showing of the denial of a constitutional right." 28 U.S.C. §

2253(c)(2). In order to satisfy this burden, the defendant must establish “that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Thus, a petitioner - such as Williams - must demonstrate that reasonable jurists would find the assessment of the constitutional claims by this Court to be debatable or wrong. *Id.*

In light of the facts of this case, especially when considered against settled and controlling precedent of the Supreme Court and the Court of Appeals for the Sixth Circuit, reasonable jurists would not find the resolution of the constitutional issues that have been raised by Williams to be debatable or wrong. Therefore, the Court denies a certificate of appealability to Williams.

s/Paul D. Borman

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: March 15, 2019